

IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
S/S Stockton Road, 1400 ft. W \* ZONING COMMISSIONER  
of Old York Road \*  
2401 Stockton Road \* OF BALTIMORE COUNTY  
10th Election District \*  
3rd Councilmanic District \* CASE No. 92-507-X  
Paul J. Leono, et ux  
Petitioners \*

\*\*\*\*\*  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 2901 Stockton Road in the Phoenix section of Baltimore County.

The Petitioners/property owners, Paul J. Leono and Marlene A. Leono seek a special exception pursuant to Section 1A01.2.C.24a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit farm machinery sales, storage and service as an agricultural support use at the subject locale. The proposed special exception and subject property are more particularly shown on Petitioners' Exhibit No. 5, the site plan to accompany the Petition.

The Petitioners appeared at the hearing and were represented by Nicholas J. Pistolas, Esquire. Several adjacent property owners also appeared and testified in support of the hearing. The Petitioners also presented Petitions and letters in support of their request. There were no Protestants present.

Testimony and evidence presented at the hearing was that the subject site is a residential lot of 1.033 acres in size and is zoned R.C.2. It is located along a residential street nestled within an agricultural area in Northern Baltimore County. Mr. and Mrs. Paul J. Leono reside at the subject property. The lot is improved by one and one-half story brick facade

dwelling which is attached to an existing garage and patio. To the rear of the lot is a 24 x 12 ft. framed shed.

Mr. Leono testified that he is employed on a full time basis by Baltimore County as a supervisor in the heavy equipment repair facility at the County's Maintenance Plant in Texas, Maryland. As a side vocation, he repairs engines and performs service work on small engines at the subject site. The types of machinery repaired would be lawn mowers, weed eaters, grass blowers and other agricultural tools. He testified that he performs this repair service work for many of his immediate neighbors along Stockton Road, as well as many of the farmers who are in the subject locale. The work is done within his garage and supports the agricultural uses nearby. Mr. Leono believes that his business serves the needs of the farmers and other landowners in providing a repair service facility in close proximity of the subject locale. Further, Mr. Leono noted that he would work no later than 9:30 P.M. and that all repairs would be performed within the existing garage. Lastly, he testified that the proposed use would not be detrimental to the health, safety and general welfare of the surrounding locale and that this use met each of the tests as enunciated in Section 502 of the B.C.Z.R.

Numerous neighbors and residents of the locale appeared in support of the Petition. These included Barry F. Ditsche, Daniel Baker, Leonard W. Flora and Hugh E. Gelston. In their view, Mr. Leono provides a valuable service to the community and his business is not detrimental to the surrounding locale.

Also noted are the Zoning Plans Advisory Committee comments offered in this case. The majority of the County agencies offered no specific comment, however, approval was recommended from the Office of Planning and

-2-

Zoning. This approval, however, was tempered by the suggested implementation of certain restrictions. I am persuaded that most of those restrictions should be imposed. However, a review of photographs discloses that the existing sign is, in fact, minimal in size. It is mounted on the Petitioner's mailbox stand and appears wholly consistent with the size of that stand and the property. Therefore, I will permit the Petitioner to retain that sign as long as it is not enlarged.

As to the Petition, it is clear that the B.C.Z.R. permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioners.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

-3-

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions, as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6<sup>th</sup> day of August, 1992 that the Petition for Special Exception to permit farm machinery sales, storage and service as an agricultural support use, pursuant to Section 1A01.2.C.24a of the B.C.Z.R., in accordance with Petitioners' Exhibit No. 5, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Outside storage shall be prohibited except for the dropping off and picking up of equipment and no such item shall remain outside for a period exceeding 24 hours.
3. There shall be no maintenance or repair service outside the existing garage. The hours of operation will be from 8:00 A.M. to 9:30 P.M. Repair work may be conducted seven (7) days per week.
4. The special exception is approved for the use of the property for so long as the Petitioners, Paul J. and Marlene A. Leono, own the property and that the business conducted therefrom is operated by Paul J. Leono. There shall be no employees, other than Mr. Leono.

-4-

5. The use of the property for the special exception use shall be restricted to the existing garage area, and framed shed in the rear of the property to serve as storage needs.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 5, 1992

Nicholas J. Pistolas, Esquire  
608 Baltimore Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
Case No. 92-507-X  
Paul J. Leono, et ux

Dear Mr. Pistolas:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. and Mrs. Paul J. Leono



**Petition for Special Exception**  
**to the Zoning Commissioner of Baltimore County**

for the property located at 2901 Stockton Road, Phoenix, MD 21131  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for farm machinery sales, storage and service as an agricultural support use as authorized by Baltimore County Zoning Regulations. Sec. 1A01.2C.24a.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor	Paul J. Leono
Type of Petition	Paul J. Leono
Signature	Marlene A. Leono
Address	2901 Stockton Road 472-2355
City	Phoenix, MD 21131
State	MD
Zipcode	21131
Attorney for Petitioner	Nicholas J. Pistolas
Type of Petition	Nicholas J. Pistolas
Address	608 Baltimore Avenue 825-3000
City	Towson, MD 21204
State	MD
Zipcode	21204
Estimated Length of Hearing	15 minutes
See following date	DATE 8/26/92
OTHER	
RECEIVED BY	DATE 8/26/92

540

92-507-X

540

Description of the Property of  
Paul J. and Marlene A. Leono  
2901 Stockton Road  
Phoenix, MD 21131

BEING known and designated as Lot. No. 2, as shown on the Plat entitled Flora Property, which said plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr., No. 40, Folio 81.

BEING a part of the property which by Deed dated October 29, 1965 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4547, Folio 205 was granted and conveyed by George E. Banks, III and Barbara Banks, his wife to Leonard W. Flora and Jean A. Flora, his wife.

-5-

92-507-X 8-4-92 7/15/92 7/15/92 JW

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: July 20, 1992

SUBJECT: Leono Property

INFORMATION:  
Item Number: 540

Petitioner: Paul J. Leono

Property Size:

Zoning: RC 2

Requested Action: Special Exception

Hearing Date:

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a special exception to permit farm machinery sales, storage and service of farm machinery as an agricultural support use.

The Office of Planning and Zoning recommends that the petitioners request be APPROVED subject to the following conditions.

The physical character of this particular area is predominantly rural with active agricultural uses surrounding the site. This site is extremely well maintained with no external evidence that a business exists other than a small sign. The existing dwelling has a large multi-car garage where sales, storage and service are provided. In order to maintain the rural character of the site the following conditions are recommended.

\*Reduce the size of the existing sign by 50 percent.  
\*Outside storage should be prohibited except for dropping off and picking up equipment and no such items shall remain outside for a period exceeding 24 hours.  
\*Outside maintenance service shall not be permitted.  
\*Hours of operation should be restricted.  
\*This special exception should terminate, subject to further review, should the Leono's no longer own the property.  
\*We recommend that the use of the property remain primarily single family residential and, as such, the percentage of the proposed business use be restricted subject to the discretion of the Zoning Commissioner.

Prepared by: Thomas Murray

Division Chief: Ernie McDaniel

PM/EMcD:rdm

540.ZAC/ZAC1

RECEIVED  
JUL 23 1992  
ZONING OFFICE

DPM/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Family Date: 7/16/92

Project Name: Stonegate at Patapasco (Azeal Property)  
File Number: 90476  
Waiver Number: 528  
Zoning Issue: TE (Waiting for developer to submit plans first)  
Meeting Date: 6-1-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester  
DED DEPRM RP STP TE 528 N/C 7-6-92

✓ Mark M. Dunn And Darlene Dunn  
DED DEPRM RP STP TE 534 N/C

✓ Philip E. English And Deborah B. English  
DED DEPRM RP STP TE 535 N/C

✓ Clark F. And Ann S. MacKenzie  
DED DEPRM RP STP TE 536 N/C

✓ Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 N/C

✓ Amoco Oil Company  
DED DEPRM RP STP TE 538 N/C

✓ John And Judy Hasler  
DED DEPRM RP STP TE 539 N/C

✓ Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 N/C

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 W/C

COUNT 9

FINAL TOTALS  
COUNT 10

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: Family Date: 7-13-92

Project Name: Clark F. And Ann S. MacKenzie  
File Number: 536  
Waiver Number: 536  
Zoning Issue: 7-6-92 Written  
Meeting Date: 7-6-92

Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 Improves

Amoco Oil Company  
DED DEPRM RP STP TE 538 No Comments

John And Judy Hasler  
DED DEPRM RP STP TE 539 No Comments

Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 No Comments

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 In process

COUNT 9

FINAL TOTALS  
COUNT 17

\*\*\* END OF REPORT \*\*\*

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(410) 887-4500

JULY 13, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PAUL J. LEONO AND MARLENE A. LEONO  
Location: #2901 STOCKTON ROAD  
Item No.: + 540 (LEO) Zoning Agenda: JULY 6, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Carl J. Jaffe Noted and Approved  
Planning/Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUL 14 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: John P. K... Date: 7/14/92

Project Name: Ralph P. And Dianne L. Stern And Karen And Linda Forrester  
File Number: 528  
Waiver Number: 528  
Zoning Issue: No Comments  
Meeting Date: 7-6-92

DED DEPRM RP STP TE

✓ Mark M. Dunn And Darlene Dunn  
DED DEPRM RP STP TE 534 No Comments

✓ Philip E. English And Deborah B. English  
DED DEPRM RP STP TE 535 No Comments

✓ Clark F. And Ann S. MacKenzie  
DED DEPRM RP STP TE 536 No Comments

✓ Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 No Comments

✓ Amoco Oil Company  
DED DEPRM RP STP TE 538 No Comments

✓ John And Judy Hasler  
DED DEPRM RP STP TE 539 No Comments

✓ Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 No Comments

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 No Comments

COUNT 9

FINAL TOTALS  
COUNT 9

\*\*\* END OF REPORT \*\*\*

**ZONING HEARING CHECKLIST**

REVISED 5/92

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (B.C.Z.R.). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the Baltimore County Zoning Regulations.

Fourth: No employee of the Baltimore County Office of Zoning Administration and Development Management may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Zoning Commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the B.C.Z.R.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:

Baltimore County Office of Zoning  
Administration & Development Management  
Development Control  
131 West Chesapeake Avenue  
Room 109  
Towson, MD 21204  
Telephone: 887-1391

**Non-Residential Properties**

**Variances**  
**Special Exceptions**  
**Use Permits**  
**Special Hearings**

**1**

July 29, 1992

Mr. Lawrence Schmidt, Zoning Commissioner  
Mr. Timothy Kotroco, Deputy Zoning Commissioner  
Old Court House  
Towson, MD 21204

Re: Item No. 540  
Case No. 91-507-XA  
Petitioners:  
Mr. and Mrs. Paul Leono  
Petition for Special Exception

Dear Commissioner Schmidt and Deputy Commissioner Kotroco:

Recognizing the importance of agriculture to the economy of our state in general and to Baltimore County in particular, I would like to endorse the granting of a special exception to Mr. and Mrs. Paul Leono of 2901 Stockton Road, Phoenix, MD 21131, which would allow the sales, storage and service of agricultural machinery.

This use will directly support the farming segment of Baltimore County. We feel that such support is necessary for the successful continuation of this vital economic activity. The production of foodstuff and other agricultural products is not only of importance locally but also adds to Maryland's export volume. We are especially concerned that there is no such support anywhere in this northern area of Baltimore County.

The lack of support services poses a serious threat to the remaining farms in our area, causing even minor repairs to result in costly delays. We endorse Mr. and Mrs. Leono's proposal because it will provide a much-needed source of farm services for the farming community.

This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Very truly yours,  
Ronald Sapp  
Tuttlebrook Farm  
Hydes Md.

July 29, 1992

Mr. Lawrence Schmidt, Zoning Commissioner  
Mr. Timothy Kotroco, Deputy Zoning Commissioner  
Old Court House  
Towson, MD 21204

Re: Item No. 540  
Case No. 91-507-XA  
Petitioners:  
Mr. and Mrs. Paul Leono  
Petition for Special Exception

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This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Very truly yours,  
De Marie Sapp  
Tuttlebrook Farm  
Hydes Md.





11 Jim E. Eand 2007 Stockton Rd. Phoenix, MD 21131  
12 Anita Martin 2508 Capital Hill Phoenix, MD 21131

13 Robert F. Burns 2815 Stockton Rd  
Phoenix, MD 21131  
14 Patrick M. Moore 15 Glenbury Cr.  
Phoenix, Md. 21131  
15 John B. Wickham 2714 Paper Mill Rd  
Phoenix, Md. 21131  
16 Edna L. Wilhelm 2714 Paper Mill Rd  
Phoenix, Md. 21131  
17 Robert R. Leliman 2919 Stockton Road  
Phoenix, MD. 21131  
18 Joyce Moore 2909 Stockton Rd  
Phoenix, Md. 21131  
19 Gary Moore  
20 Jean M. Lucas 2905 Stockton Rd  
Phoenix, Md. 21131  
21 Leonard W. Flans 2817 Stockton Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul J. Leono	2901 Stockton Rd
Marlene Leono	2901 Stockton Rd
Daniel Baker	15200 Old York Rd
Leonard W. Flans	2817 Stockton Rd
Betty F. Ditsch	2903 Stockton Rd
Hugh L. Leono	1400 Kroll Rd

ZONING DESCRIPTION

Beginning on the south side of Stockton Road, at a capped bar now set at the northeast corner of Lot 2 of a plat of the "Flora Property" as recorded among the Land Records of Baltimore County, Maryland in plat book E.H.K. Jr. 40 folio 81, and dated October 8, 1976, said bar being 140' distant westerly from the intersection of Stockton and Old York Roads, having 18' paving widths thence running with and binding on the outline of Lot 2 and with the outline of part of Lots 15 and 16 of the plat of "Stockton" as recorded among the said Land Records in plat book O.T.O. 31 folio 25 and amended in plat book E.H.K. Jr. 43 folio 28

- 1) South 01-46'-40" West a distance of 300.00 feet to a capped bar now set; thence leaving the outline of Lots 15 and 16 and still running with the outline of Lot 2
- 2) North 88-13'-20" West a distance of 150.00 feet to a capped bar now set at the edge of a private access and maintenance right-of-way, 11.10' wide; thence running with and binding on the said right-of-way and still with Lot 2
- 3) North 01-46'-40" East a distance of 300.00 feet to a iron pipe found on the south side of Stockton Road; thence still running with the outline of Lot 2
- 4) South 88-13'-20" East a distance of 150.00 feet to the place of beginning.

Containing 1.033 acres, more or less, the improvements thereon being known as 2901 Stockton Road.

Being the same property as conveyed to Paul J. Leono and Marlene A. Leono, his wife, in a deed dated December 21, 1976 and recorded among the said Land Records in Liber E.H.K. Jr. 5709 folio 972.



7/1/92  
MICROFILMED

PETITIONER'S  
EXHIBIT No. 1

EXHIBIT 2  
MICROFILMED

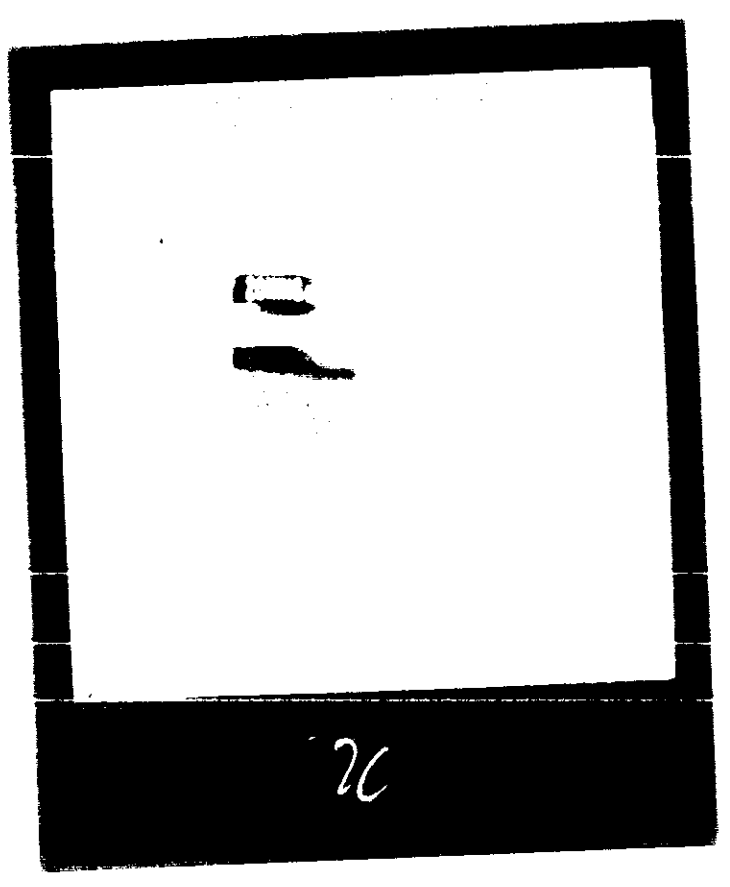
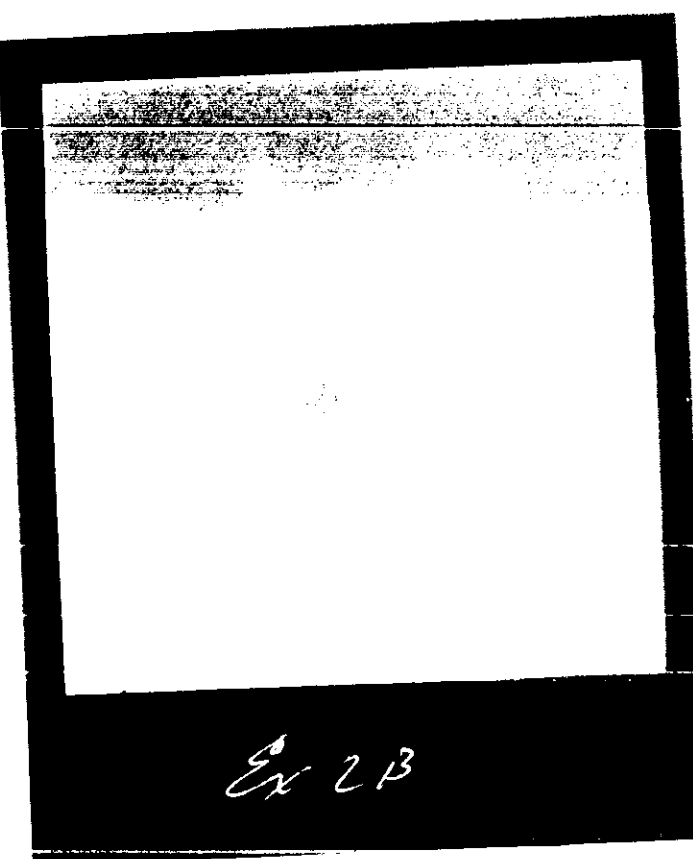
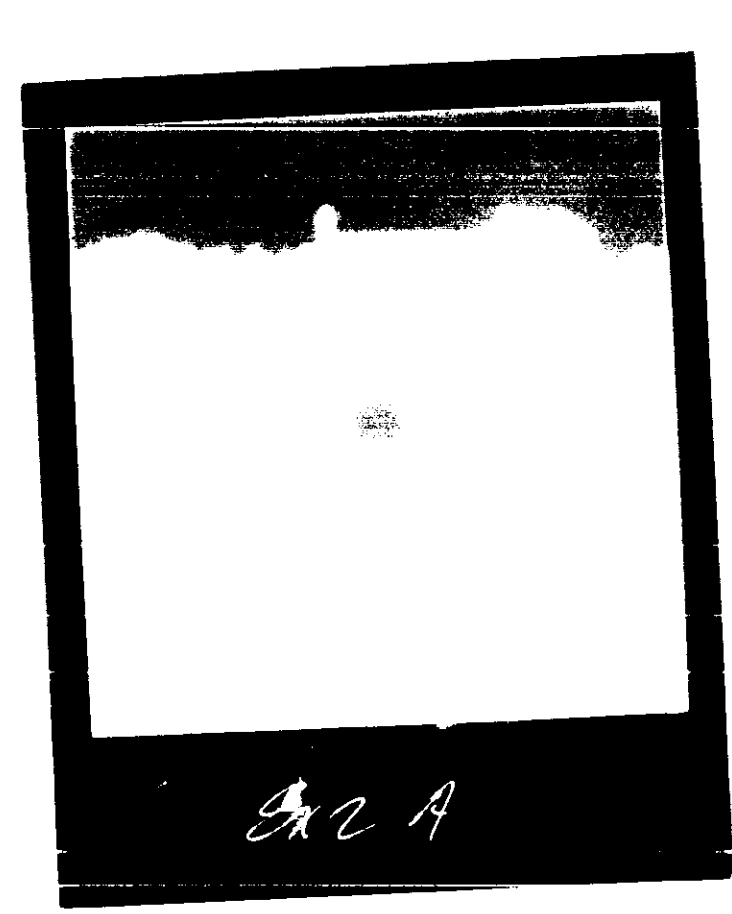
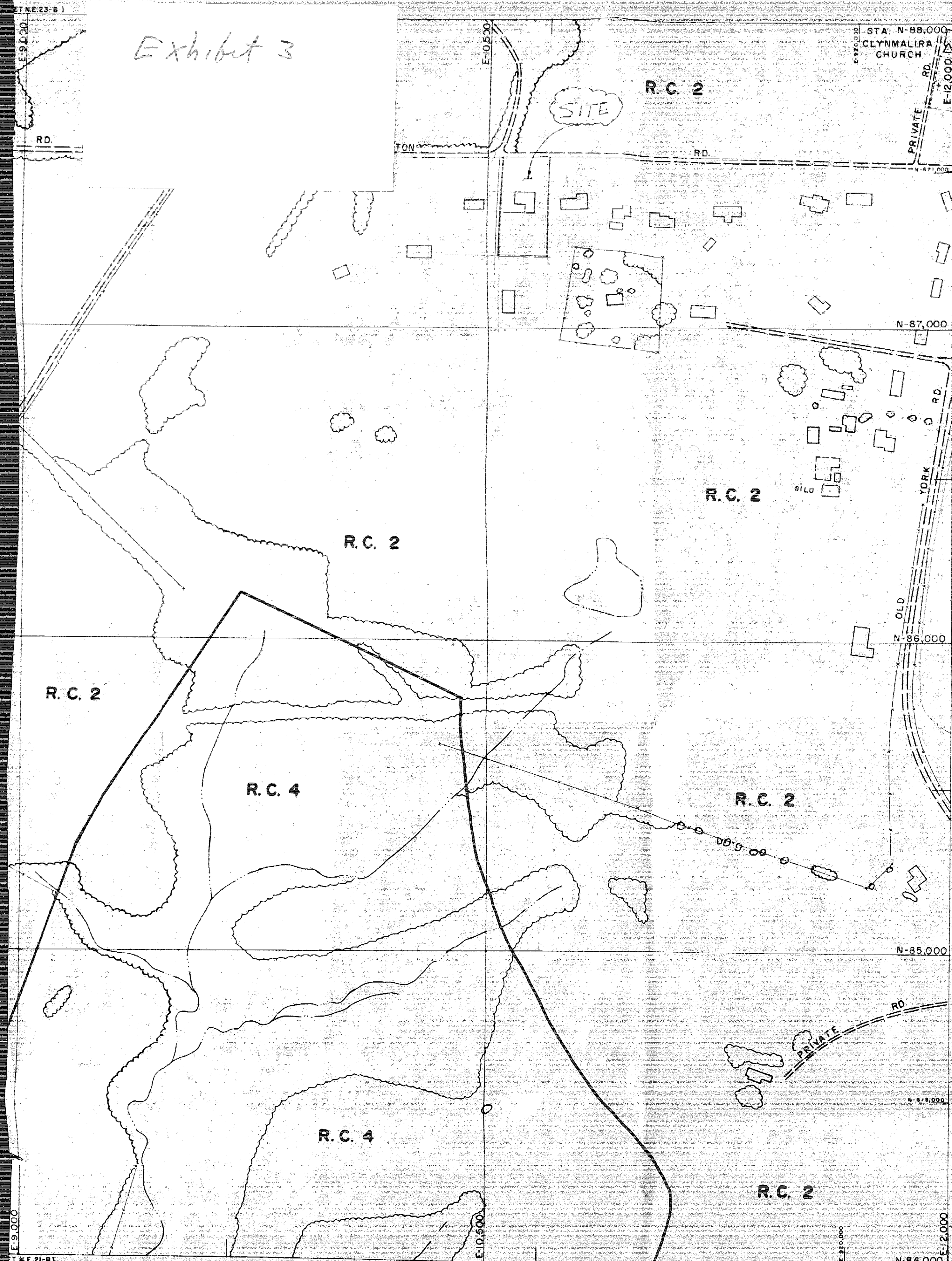
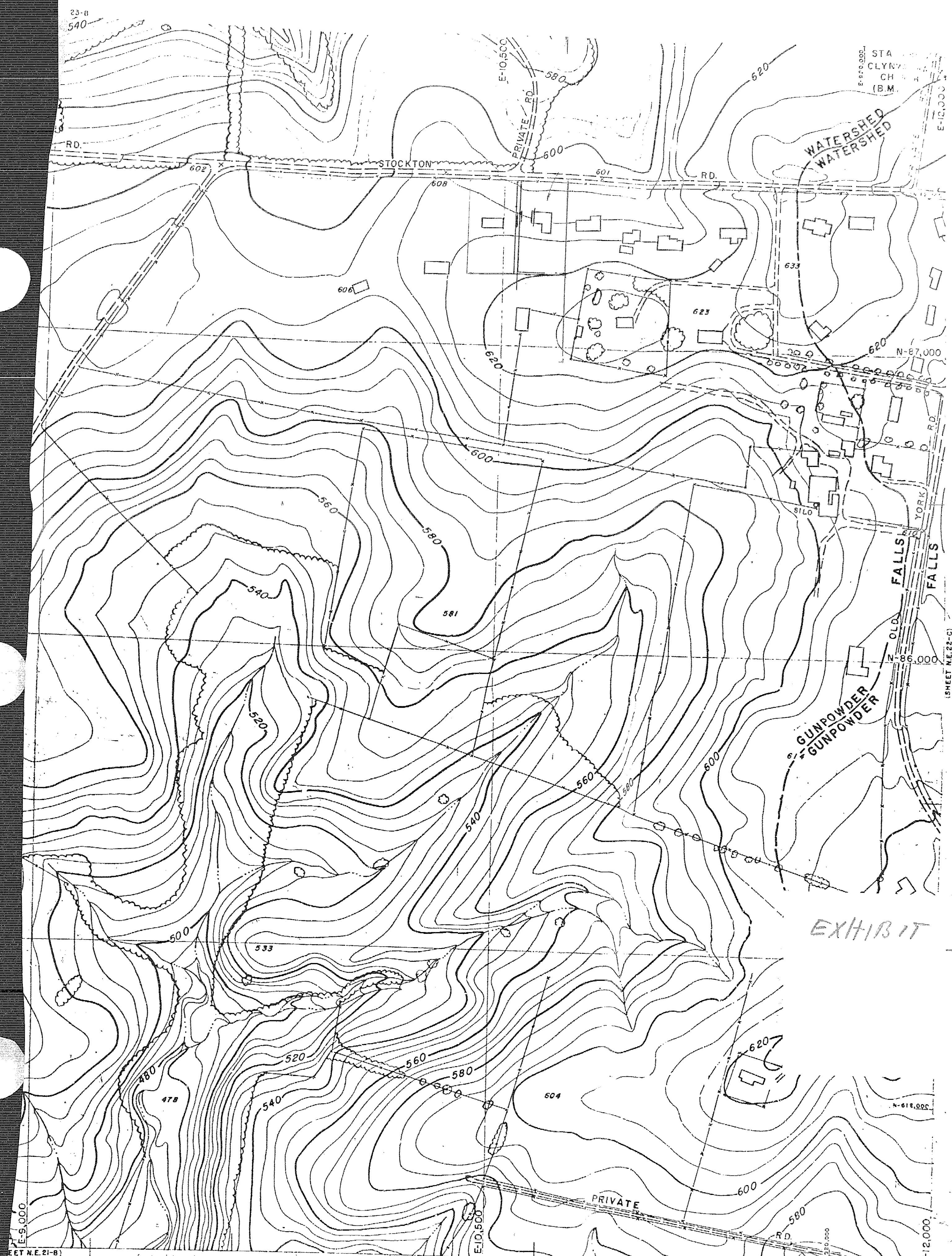




Exhibit 3



E COUNTY NING AND ZONING ONING MAP	SCALE 1" = 200'	LOCATION SOUTHWEST CLYNMALIRA CHURCH	SHEET N. E. 22-B
	DATE OF PHOTOGRAPHY JANUARY 1986		



METRIC MAP OF UNTY, MARYLAND	REVISIONS BY DATE	SCALE 1" = 200'	LOCATION SOUTHWEST CLYNMALIRA CHURCH	SHEET N. E. 22-B
	DATE OF PHOTOGRAPHY DECEMBER 1959	DATE OF PHOTOGRAPHY DECEMBER 1959		

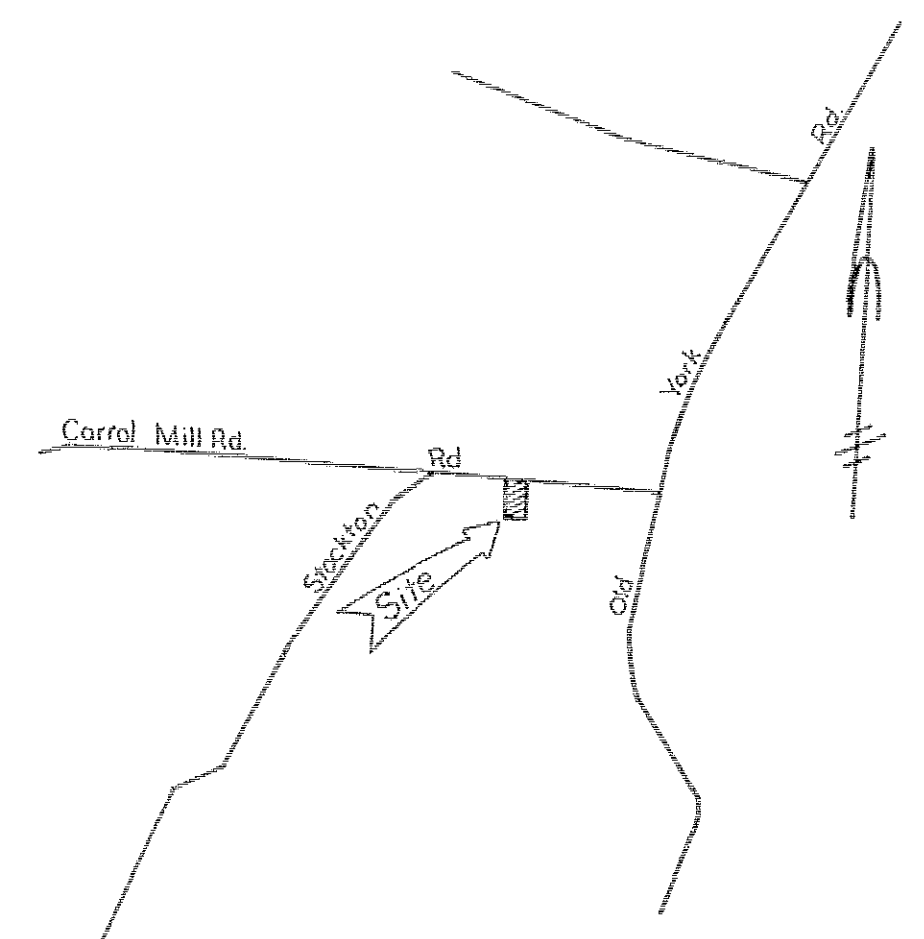
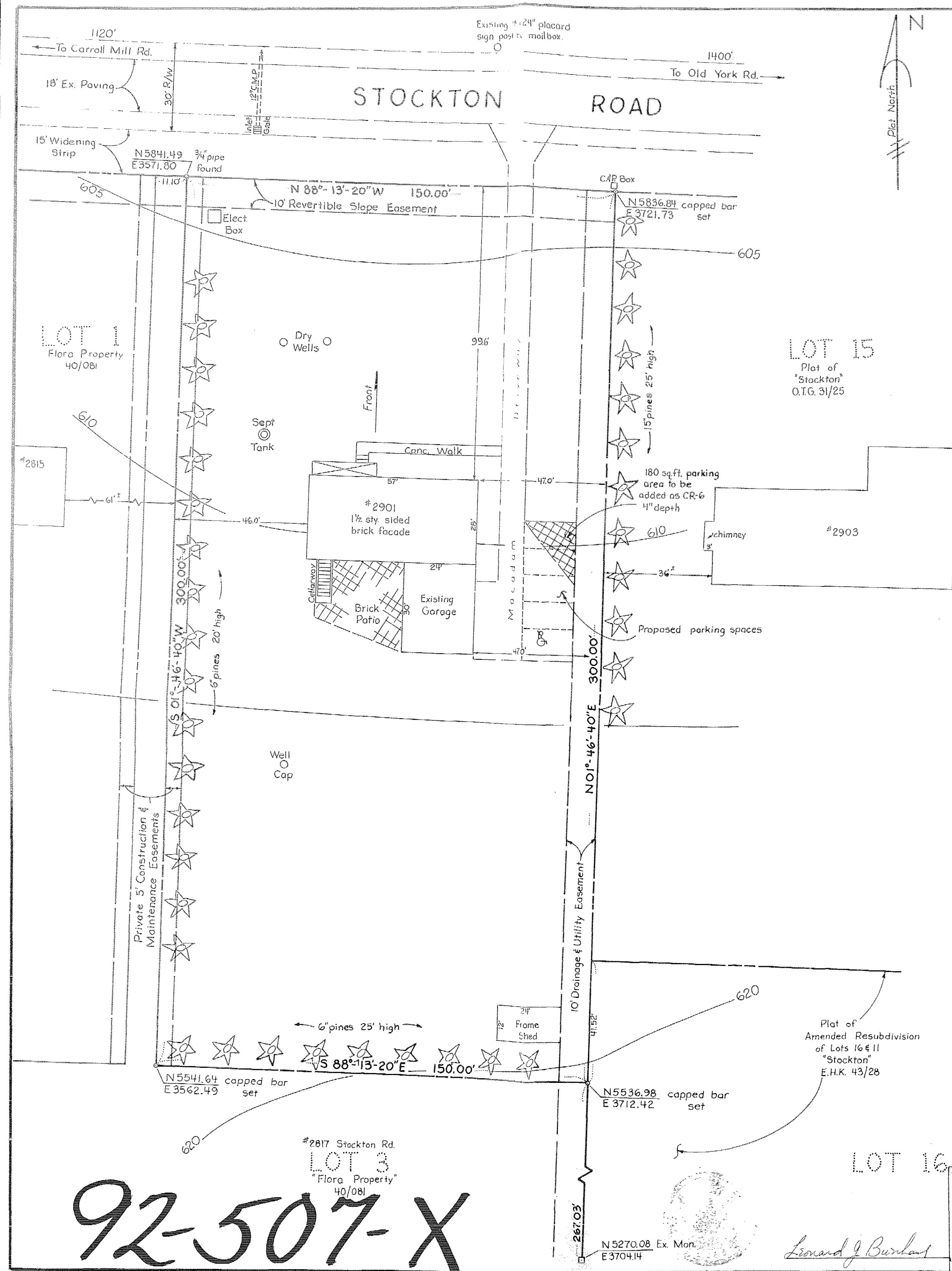
Compiled By Photogrammetric Methods  
MAPS, INCORPORATED - BALTIMORE, MARYLAND

11  
98

0.5"  
11"

22"





Vicinity Map  
Scale 1"=2000'

Site: 2901 Stockton Road Owners: Paul J. & Marlene A. Leono  
General Notes since Dec. 21, 1976

1. Present Zoning is RC-2 Map N.E. 22-B
2. Site lies in the Gunpowder Falls Watershed, Carroll Branch Drainage Area
3. Site lies in the F.I.R.M. Zone "C" per F.I.R.M. map #240010-150 B
4. There are no underground fuel tanks on the site.
5. Site is not served by any public sewer, water or storm drain systems.
6. Sign will comply with the provisions of Section 413.1a,c,e(2)&(3) BCZR
7. Exterior parking spaces required for existing garage shop: 720 sq. ft. @ 3.3 per 1000 sq. ft. = 3 spaces over existing durable & dust-free surface.
8. All site lighting shall be arranged not to shine or reflect on adjoining properties.
9. No structure does or will exceed the permitted RC-2 Zone maximum height of 35 feet.
10. Site located on B.C. Zoning Map NE-22-B

#### Special Zoning Notes and History

1. The site is a private, single family residential dwelling containing 1.033 acres and lying within an RC-2 Zone designed for agricultural protection. The proposed farm equipment sales, storage and service use is not in conflict with agricultural preservation objectives and the proposed use would not require separate on site water supply or sanitary facilities.
2. A petition was granted by the Zoning Commission Oct. 11, 1979 to permit a variance from the required 50 ft. sideline setback to a sideline setback of 46 ft. This variance is on a file with the B.C. Zoning Office referenced as 80-94A item 31. The site complies with the subsequently enacted RC-2 Zone requirement of 35 ft. for sideline setbacks.

#### Zoning Request Summary

- A. Special Exception  
This Zoning Petition seeks the authority for farm machinery sales, storage and service as an agricultural support use, as authorized by Baltimore County Zoning Regulations 1A01-2C-24a

#### Parking Notes

Existing Residence required 2 spaces.  
Existing Garage = 720 sq. ft. @ 3.3 per 100 sq. ft. = 3 spaces required.  
Total Required Spaces: 5  
Total Provided Spaces: 5

Plat to Accompany Zoning Petition for Special Exception			
Property of: Paul J. & Marlene A. Leono			
2901 Stockton Road		Phoenix, Md. 21131	
Plat Reference: 40/081, Lot No. 2 of "Flora Property", tax acc. #1700010490			
Deed Reference: E.H.K. Jr. 5709/972, Tax map 35, grid 10, parcel 222			
10th Election Dist.		3rd Councilmatic Dist. Census Tract 4101	
Drawn:	Checked:	May 11, 1992	Scale 1"=20'

075

PETITIONER'S  
EXHIBIT Nos



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 16th Date of Posting: 7/1/92  
Posted for: Special Exception  
Petitioner: Paul J. & Marlene A. Leono  
Location of property: 82.5 Stockton Rd. (1901), 1400' W of Old York Rd.  
Location of Sign: Along Stockton Rd. 12 ft. from west way  
Remarks: on property of Baltimore  
Posted by: [Signature] Date of return: 7/24/92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 7/17, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1992.

THE JEFFERSONIAN,

S. Zake Orlan

Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 123683  
DATE: 6/24/92 ACCOUNT: R-001-4150  
COMPUTED DOWN AMOUNT: \$300.00  
RECEIVED FROM: PAUL J. LEONO  
FOR: SPECIAL EXCEPTION  
04A04R0157MCHRC  
CA 0002146R04-24-92 \$300.00  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

92-507  
7/24/92  
PUBLIC HEARING FEES QTY PRICE  
050 -POSTING SIGNS / ADVERTISING 1 X \$61.93  
LAST NAME OF OWNER: LEONO  
TOTAL: \$61.93  
04A04R0053MCHRC  
CA 000100A07-31-92 \$61.93  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Paul and Marlene Leono  
2901 Stockton Road  
Phoenix, Maryland 21131

RE: 92-507-X (Item 540)  
S/S Stockton Road, 1400' W of Old York Road  
2901 Stockton Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Paul J. and Marlene A. Leono  
HEARING: TUESDAY, AUGUST 4, 1992 at 11:00 a.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$ 61.93 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

cc: Nicholas J. Pistolas, Esq.

Printed on Recycled Paper

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JULY 6, 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-507-X (Item 540)  
S/S Stockton Road, 1400' W of Old York Road  
2901 Stockton Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Paul J. and Marlene A. Leono  
HEARING: TUESDAY, AUGUST 4, 1992 at 11:00 a.m. in Rm. 118, Courthouse

Special Exception for farm machinery sales, storage and service as an agricultural support use.

Laurence E. Schmidt  
Laurence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Paul and Marlene Leono  
Nicholas J. Pistolas, Esq.

NOTE: HEARINGS ARE REMICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue  
Towson, MD 21204

July 20, 1992

(410) 887-3353

Nicholas J. Pistolas, Esquire  
608 Baltimore Avenue  
Towson, MD 21204

RE: Item No. 540, Case No. 92-507-X  
Petitioner: Paul J. Leono, et ux  
Petition for Special Exception

Dear Mr. Pistolas:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
26th day of June, 1992

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Paul J. Leono, et ux  
Petitioner's Attorney: Nicholas J. Pistolas

DPM/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature [Signature] Date 7/13/92  
Project Name  
File Number  
Waiver Number  
Zoning Issue  
Meeting Date  
Stonegate at Patapasco (Azreal Property)  
90476  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92  
COUNT 1  
Baltimore County - Southwestern Bell Mobile Systems  
DED STP 533 6-29-92  
COUNT 1  
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 7-6-92 NC  
DED DEPRM RP STP TE  
✓ Mark M. Dunn And Darlene Dunn 534 NC  
DED DEPRM RP STP TE  
✓ Philip E. English And Deborah B. English 535 NC  
DED DEPRM RP STP TE  
✓ Clark F. And Ann S. MacKenzie 536 NC  
DED DEPRM RP STP TE  
✓ Charles J. And E. Mae Sinay 537 NC  
DED DEPRM RP STP TE  
✓ Amoco Oil Company 538 NC  
DED DEPRM RP STP TE  
✓ John And Judy Hasler 539 NC  
DED DEPRM RP STP TE  
✓ Paul J. And Marlene A. Leono 540 NC  
DED DEPRM RP STP TE  
✓ W. Claymore And Carol H. Slick 541 NC  
DED DEPRM RP STP TE

92-507-X 8-4-92 7/15/92 7/15/92 JW

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: July 20, 1992

SUBJECT: Leono Property

INFORMATION:  
Item Number: 540

Petitioner: Paul J. Leono

Property Size:

Zoning: RC 2

Requested Action: Special Exception

Hearing Date:

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a special exception to permit farm machinery sales, storage and service of farm machinery as an agricultural support use.

The Office of Planning and Zoning recommends that the petitioners request be APPROVED subject to the following conditions.

The physical character of this particular area is predominantly rural with active agricultural uses surrounding the site. This site is extremely well maintained with no external evidence that a business exists other than a small sign. The existing dwelling has a large multi-car garage where sales, storage and service are provided. In order to maintain the rural character of the site the following conditions are recommended.

\*Reduce the size of the existing sign by 50 percent.  
\*Outside storage should be prohibited except for dropping off and picking up equipment and no such items shall remain outside for a period exceeding 24 hours.  
\*Outside maintenance service shall not be permitted.  
\*Hours of operation should be restricted.  
\*This special exception should terminate, subject to further review, should the Leono's no longer own the property.  
\*We recommend that the use of the property remain primarily single family residential and, as such, the percentage of the proposed business use be restricted subject to the discretion of the Zoning Commissioner.

Prepared by: Thomas Murray

Division Chief: Ernie McDaniell

PM/EMCD:rdm

540.ZAC/ZAC1

RECEIVED  
JUL 23 1992  
ZONING OFFICE

DPM/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Family Date: 7/16/92

Project Name: Stonegate at Patapasco (Azeal Property)  
File Number: 90476  
Waiver Number: 528  
Zoning Issue: TE (Waiting for developer to submit plans first)  
Meeting Date: 6-1-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester  
DED DEPRM RP STP TE 528 N/C 7-6-92

✓ Mark M. Dunn And Darlene Dunn  
DED DEPRM RP STP TE 534 N/C

✓ Philip E. English And Deborah B. English  
DED DEPRM RP STP TE 535 N/C

✓ Clark F. And Ann S. MacKenzie  
DED DEPRM RP STP TE 536 N/C

✓ Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 N/C

✓ Amoco Oil Company  
DED DEPRM RP STP TE 538 N/C

✓ John And Judy Hasler  
DED DEPRM RP STP TE 539 N/C

✓ Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 N/C

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 W/C

COUNT 9

FINAL TOTALS  
COUNT 10

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: Family Date: 7-13-92

Project Name: Clark F. And Ann S. MacKenzie  
File Number: 536  
Waiver Number: 536  
Zoning Issue: 7-6-92 Written  
Meeting Date: 7-6-92 Written

Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 Improves

Amoco Oil Company  
DED DEPRM RP STP TE 538 No Comments

John And Judy Hasler  
DED DEPRM RP STP TE 539 No Comments

Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 No Comments

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 In process

COUNT 9

FINAL TOTALS  
COUNT 17

\*\*\* END OF REPORT \*\*\*

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(410) 887-4500

JULY 13, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PAUL J. LEONO AND MARLENE A. LEONO  
Location: #2901 STOCKTON ROAD  
Item No.: + 540 (LEO) Zoning Agenda: JULY 6, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Carl J. Jaffe Noted and Approved  
Planning/Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUL 14 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: John P. K... Date: 7/14/92

Project Name: Ralph P. And Dianne L. Stern And Karen And Linda Forrester  
File Number: 528  
Waiver Number: 528  
Zoning Issue: No Comments  
Meeting Date: 7-6-92

DED DEPRM RP STP TE

✓ Mark M. Dunn And Darlene Dunn  
DED DEPRM RP STP TE 534 No Comments

✓ Philip E. English And Deborah B. English  
DED DEPRM RP STP TE 535 No Comments

✓ Clark F. And Ann S. MacKenzie  
DED DEPRM RP STP TE 536 No Comments

✓ Charles J. And E. Mae Sinay  
DED DEPRM RP STP TE 537 No Comments

✓ Amoco Oil Company  
DED DEPRM RP STP TE 538 No Comments

✓ John And Judy Hasler  
DED DEPRM RP STP TE 539 No Comments

✓ Paul J. And Marlene A. Leono  
DED DEPRM RP STP TE 540 No Comments

W. Claymore And Carol H. Sieck  
DED DEPRM RP STP TE 541 No Comments

COUNT 9

FINAL TOTALS  
COUNT 9

\*\*\* END OF REPORT \*\*\*

**ZONING HEARING CHECKLIST**

REVISED 5/92

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (B.C.Z.R.). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the Baltimore County Zoning Regulations.

Fourth: No employee of the Baltimore County Office of Zoning Administration and Development Management may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Zoning Commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the B.C.Z.R.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:

Baltimore County Office of Zoning  
Administration & Development Management  
Development Control  
131 West Chesapeake Avenue  
Room 109  
Towson, MD 21204  
Telephone: 887-1391

**Non-Residential Properties**

**Variances**  
**Special Exceptions**  
**Use Permits**  
**Special Hearings**

**1**

July 29, 1992

Mr. Lawrence Schmidt, Zoning Commissioner  
Mr. Timothy Kotroco, Deputy Zoning Commissioner  
Old Court House  
Towson, MD 21204

Re: Item No. 540  
Case No. 91-507-XA  
Petitioners:  
Mr. and Mrs. Paul Leono  
Petition for Special Exception

Dear Commissioner Schmidt and Deputy Commissioner Kotroco:

Recognizing the importance of agriculture to the economy of our state in general and to Baltimore County in particular, I would like to endorse the granting of a special exception to Mr. and Mrs. Paul Leono of 2901 Stockton Road, Phoenix, MD 21131, which would allow the sales, storage and service of agricultural machinery.

This use will directly support the farming segment of Baltimore County. We feel that such support is necessary for the successful continuation of this vital economic activity. The production of foodstuff and other agricultural products is not only of importance locally but also adds to Maryland's export volume. We are especially concerned that there is no such support anywhere in this northern area of Baltimore County.

The lack of support services poses a serious threat to the remaining farms in our area, causing even minor repairs to result in costly delays. We endorse Mr. and Mrs. Leono's proposal because it will provide a much-needed source of farm services for the farming community.

This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Very truly yours,  
Ronald Sapp  
Tuttlebrook Farm  
Hydes Md.

July 29, 1992

Mr. Lawrence Schmidt, Zoning Commissioner  
Mr. Timothy Kotroco, Deputy Zoning Commissioner  
Old Court House  
Towson, MD 21204

Re: Item No. 540  
Case No. 91-507-XA  
Petitioners:  
Mr. and Mrs. Paul Leono  
Petition for Special Exception

Dear Commissioner Schmidt and Deputy Commissioner Kotroco:

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This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Very truly yours,  
De Marie Sapp  
Tuttlebrook Farm  
Hydes Md.



Valerie Davis  
71 Westerwood Nursery



11 Jim E. Eand 2007 Stockton Rd. Phoenix, MD 21131  
12 Anita Martin 2508 Capital Hill Phoenix, MD 21131

13 Robert F. Burns 2815 Stockton Rd  
Phoenix, MD 21131  
14 Patrick M. Moore 15 Glenbury Cr.  
Phoenix, Md. 21131  
15 John B. Wickham 2714 Paper Mill Rd  
Phoenix, Md. 21131  
16 Edna L. Wilhelm 2714 Paper Mill Rd  
Phoenix, Md. 21131  
17 Robert R. Leliman 2919 Stockton Road  
Phoenix, MD. 21131  
18 Joyce Moore 2909 Stockton Rd  
Phoenix, Md. 21131  
19 Gary Moore  
20 Jean M. Lucas 2905 Stockton Rd  
Phoenix, Md. 21131  
21 Leonard W. Flans 2817 Stockton Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul J. Leono	2901 Stockton Rd
Marlene Leono	2901 Stockton Rd
Daniel Baker	15200 Old York Rd
Leonard W. Flans	2817 Stockton Rd
Betty F. Ditsche	2903 Stockton Rd
Hugh L. Leliman	1400 Kroll Rd

ZONING DESCRIPTION

Beginning on the south side of Stockton Road, at a capped bar now set at the northeast corner of Lot 2 of a plat of the "Flora Property" as recorded among the Land Records of Baltimore County, Maryland in plat book E.H.K. Jr. 40 folio 81, and dated October 8, 1976, said bar being 140' distant westerly from the intersection of Stockton and Old York Roads, having 18' paving widths thence running with and binding on the outline of Lot 2 and with the outline of part of Lots 15 and 16 of the plat of "Stockton" as recorded among the said Land Records in plat book O.T.O. 31 folio 25 and amended in plat book E.H.K. Jr. 43 folio 28 1) South 01-46'-40" West a distance of 300.00 feet to a capped bar now set; thence leaving the outline of Lots 15 and 16 and still running with the outline of Lot 2 2) North 88-13'-20" West a distance of 150.00 feet to a capped bar now set at the edge of a private access and maintenance right-of-way, 11.10' wide; thence running with and binding on the said right-of-way and still with Lot 2 3) North 01-46'-40" East a distance of 300.00 feet to a iron pipe found on the south side of Stockton Road; thence still running with the outline of Lot 2 4) South 88-13'-20" East a distance of 150.00 feet to the place of beginning. Containing 1.033 acres, more or less, the improvements thereon being known as 2901 Stockton Road. Being the same property as conveyed to Paul J. Leono and Marlene A. Leono, his wife, in a deed dated December 21, 1976 and recorded among the said Land Records in Liber E.H.K. Jr. 5709 folio 972.



William J. Egan  
7/1/92  
MICROFILMED

PETITIONER'S  
EXHIBIT No. 1

EXHIBIT 2  
MICROFILMED

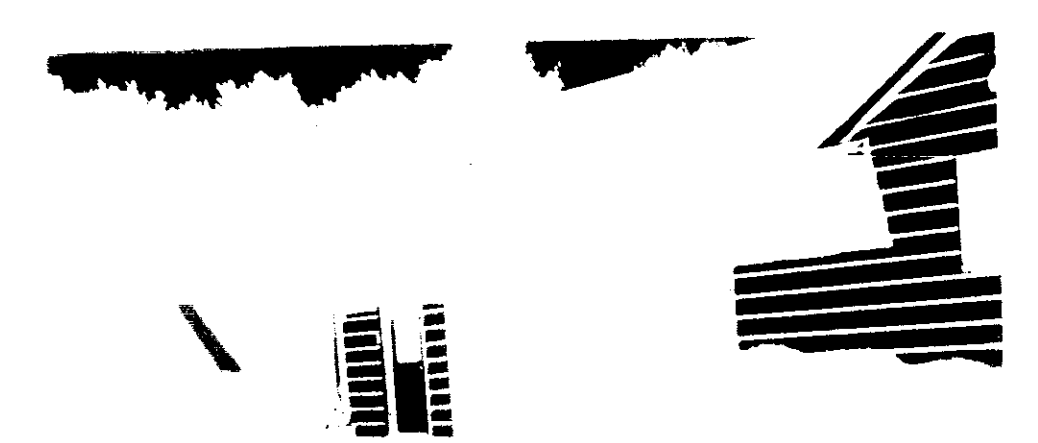
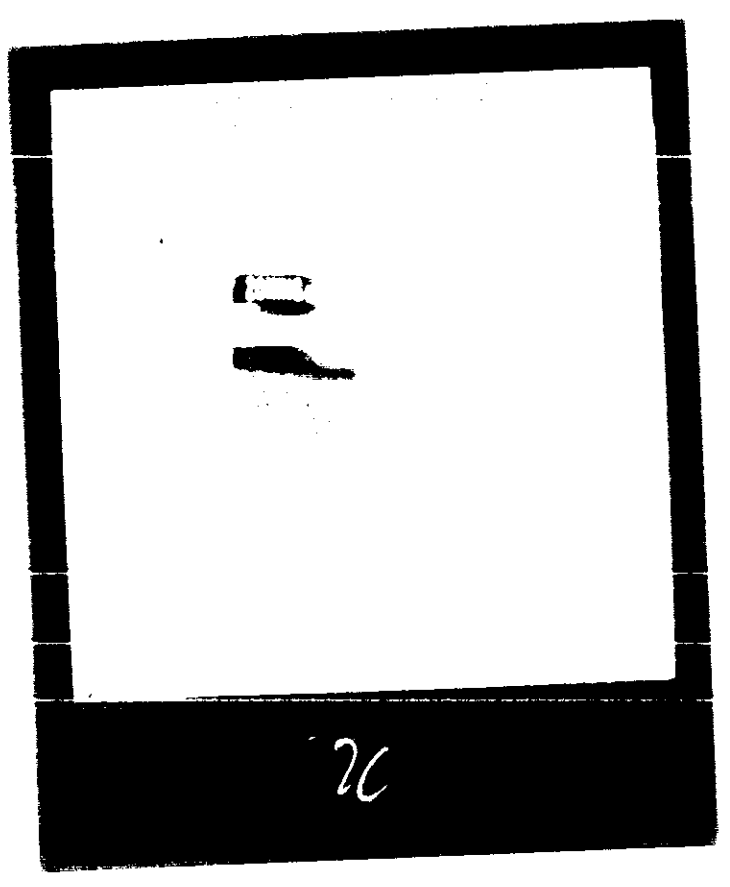
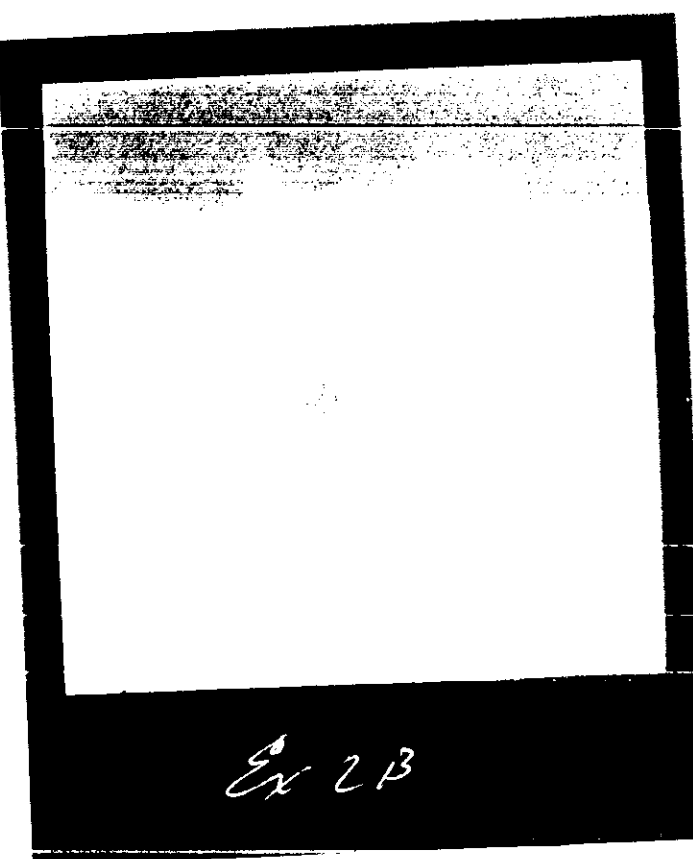
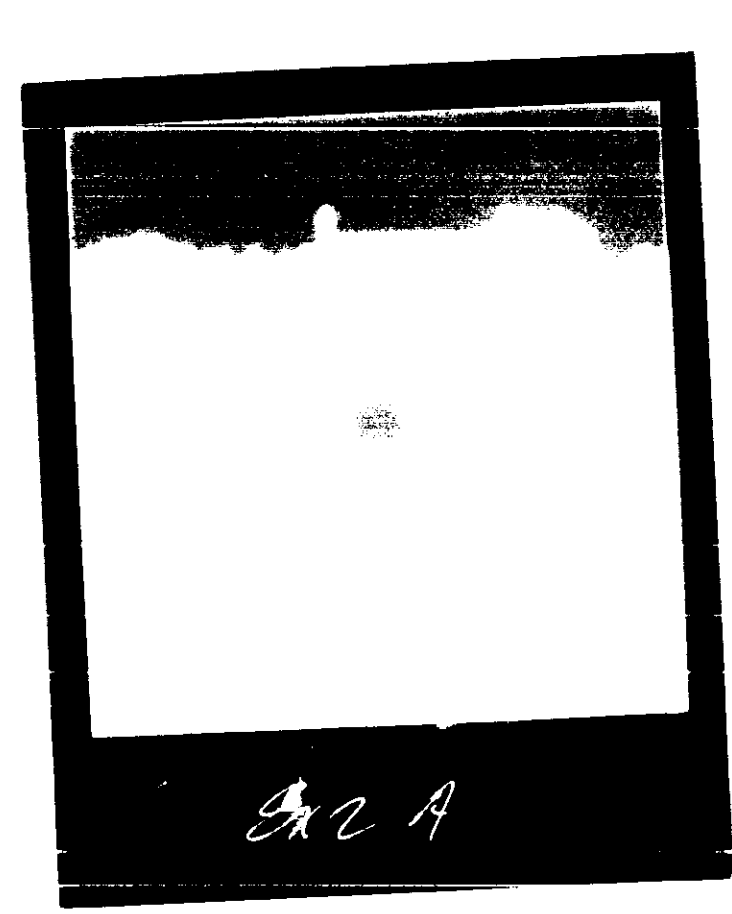
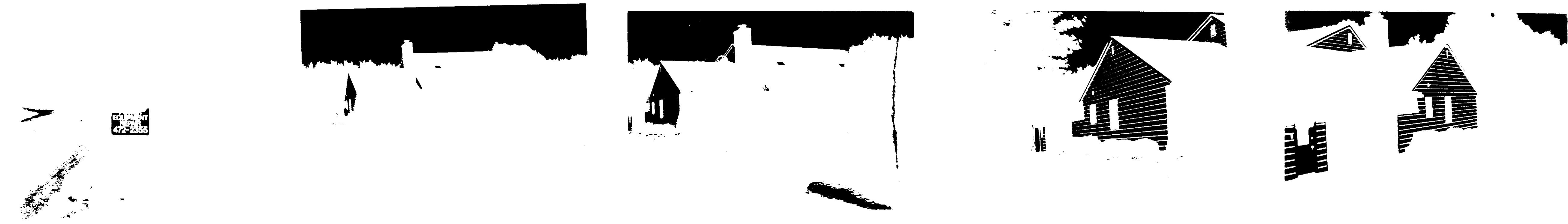
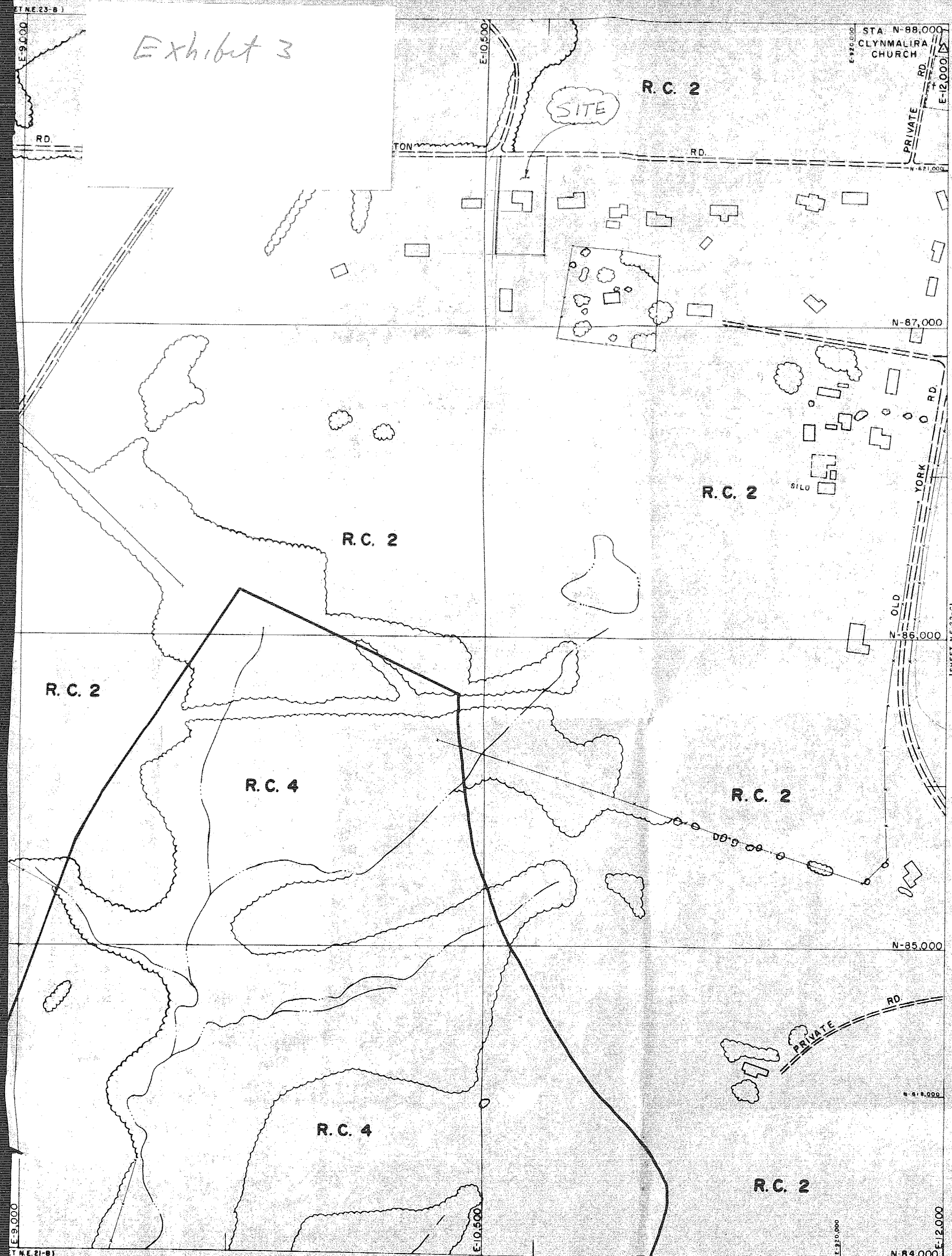
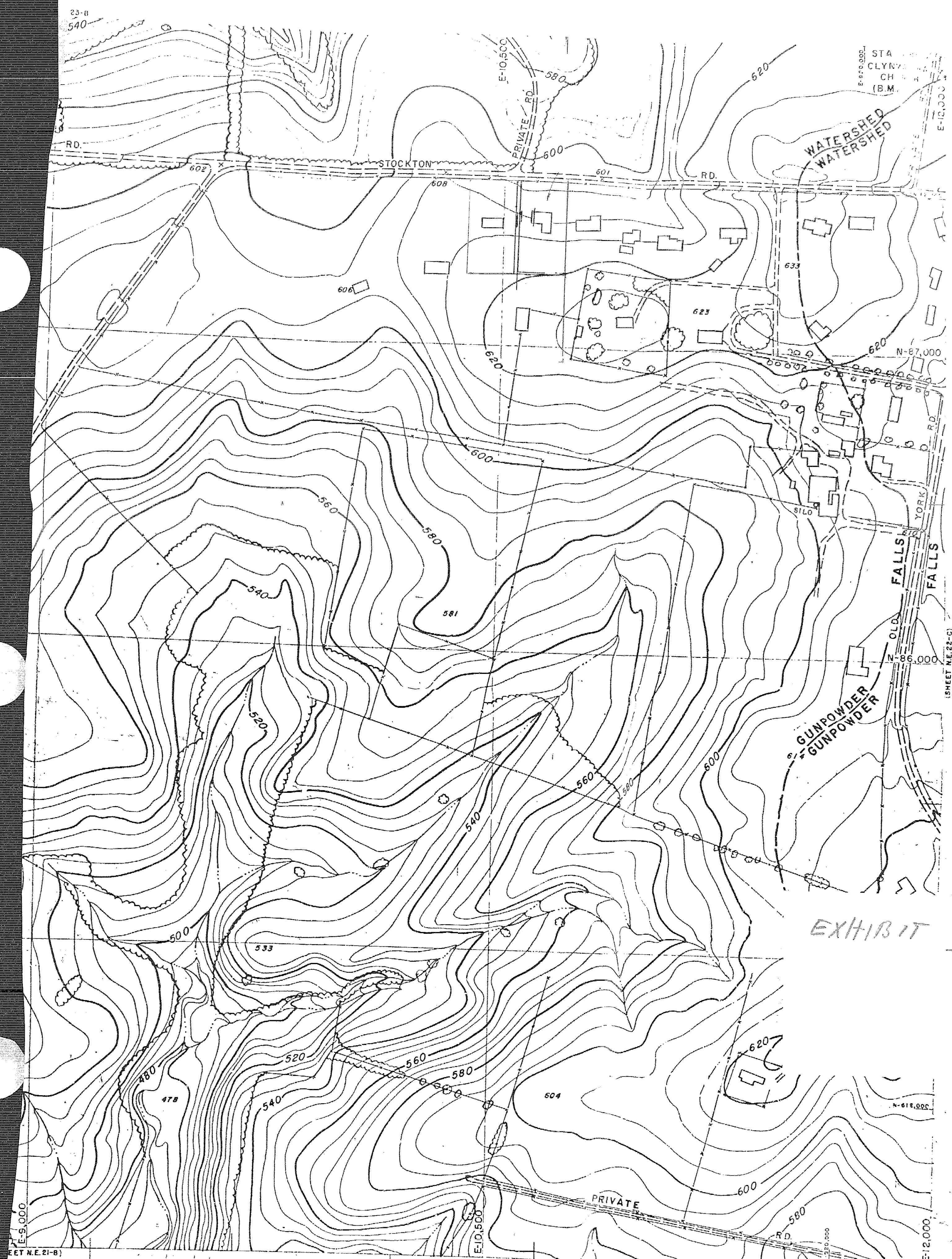




Exhibit 3



E COUNTY NING AND ZONING ONING MAP	SCALE 1" = 200'	LOCATION SOUTHWEST CLYNMALIRA CHURCH	SHEET N. E. 22-B
	DATE OF PHOTOGRAPHY JANUARY 1986		



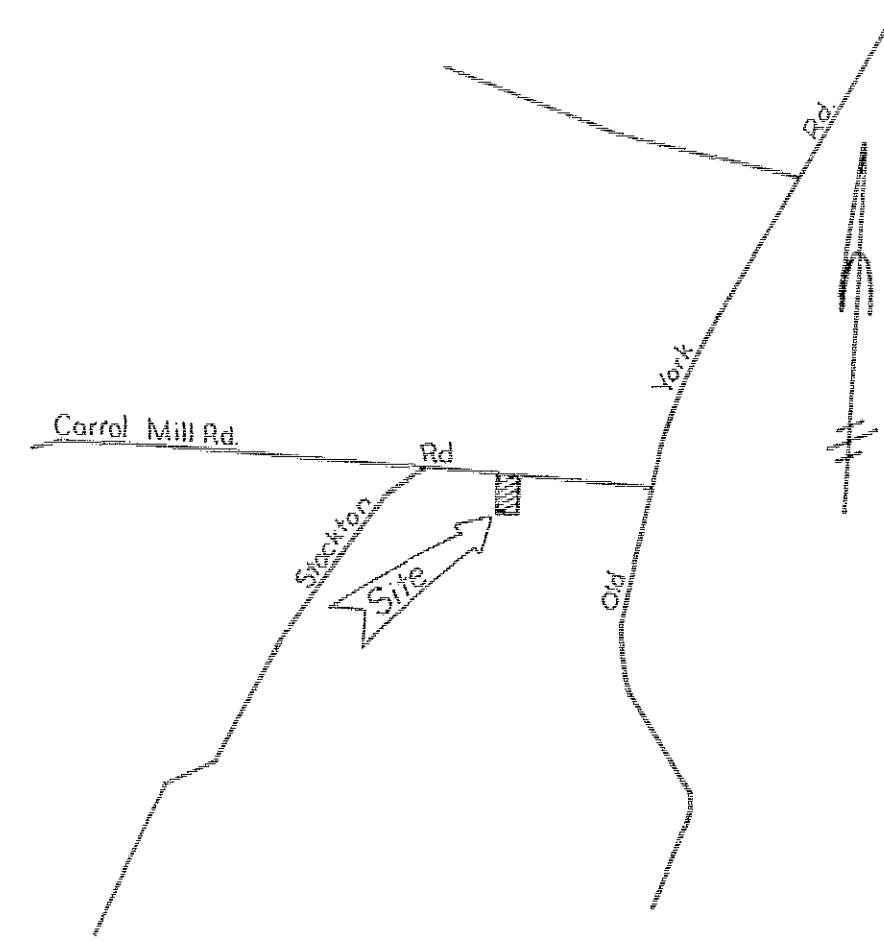
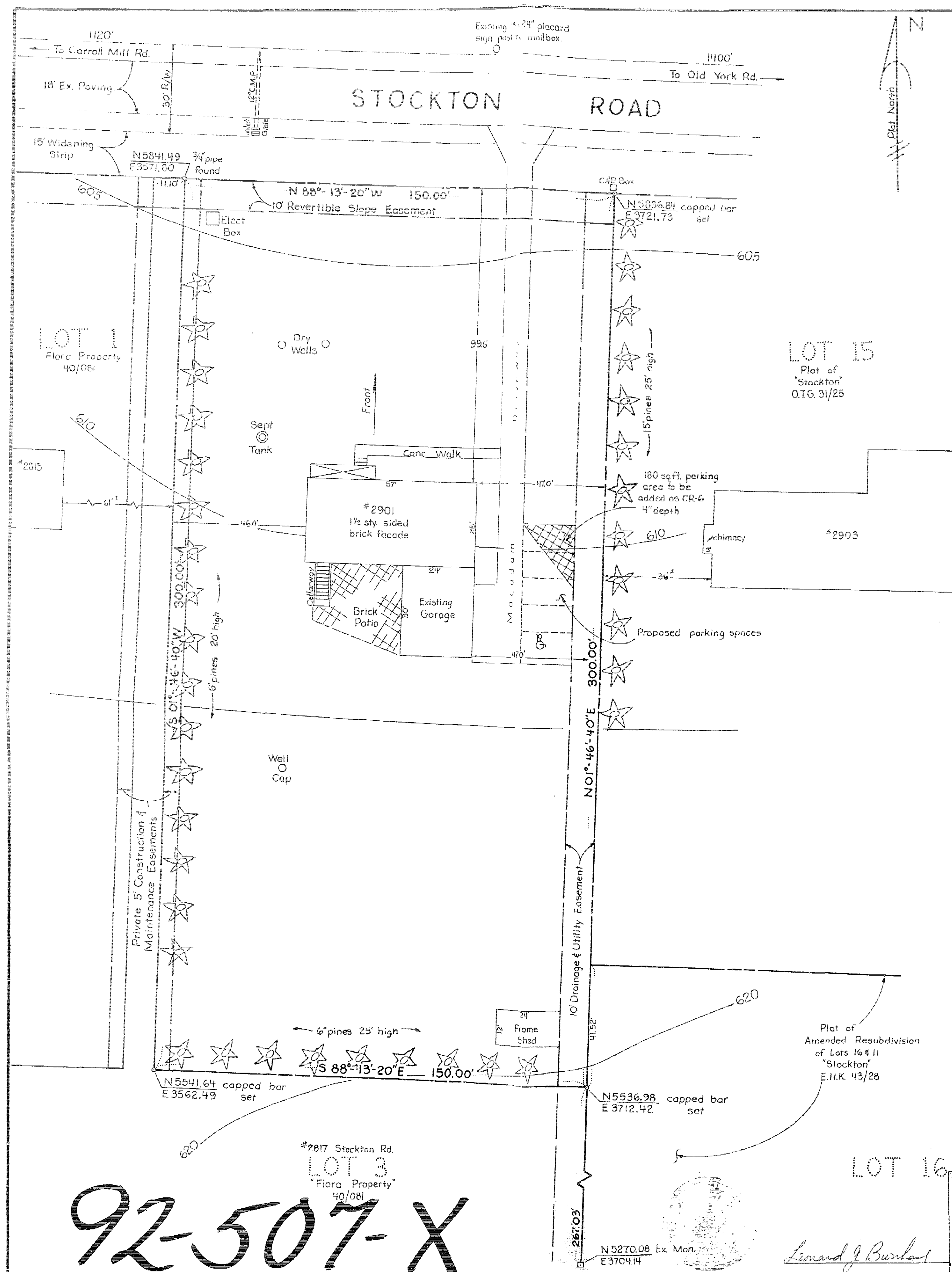
METRIC MAP OF UNTY, MARYLAND	SCALE 1" = 200'	LOCATION SOUTHWEST CLYNMALIRA CHURCH	SHEET N. E. 22-B
	DATE OF PHOTOGRAPHY DECEMBER 1959		

11  
98

0.5"  
11"

22"





Vicinity Map  
Scale 1"=2000'

Site: 2901 Stockton Road Owners: Paul J. & Marlene A. Leono  
General Notes since Dec. 21, 1976

1. Present Zoning is RC-2 Map N.E. 22-B
2. Site lies in the Gunpowder Falls Watershed, Carroll Branch Drainage Area
3. Site lies in the F.I.R.M. Zone "C" per F.I.R.M. map #240010-150 B
4. There are no underground fuel tanks on the site.
5. Site is not served by any public sewer, water or storm drain systems.
6. Sign will comply with the provisions of Section 413.1a,c,e(2)&(3) BCZR
7. Exterior parking spaces required for existing garage shop: 720 sq. ft. @ 3.3 per 1000 sq. ft. = 3 spaces over existing durable & dust-free surface.
8. All site lighting shall be arranged not to shine or reflect on adjoining properties.
9. No structure does or will exceed the permitted RC-2 Zone maximum height of 35 feet.
10. Site located on B.C. Zoning Map NE-22-B

#### Special Zoning Notes and History

1. The site is a private, single family residential dwelling containing 1.033 acres and lying within an RC-2 Zone designed for agricultural protection. The proposed farm equipment sales, storage and service use is not in conflict with agricultural preservation objectives and the proposed use would not require separate on site water supply or sanitary facilities.
2. A petition was granted by the Zoning Commission Oct. 11, 1979 to permit a variance from the required 50 ft. sideline setback to a sideline setback of 46 ft. This variance is on a file with the B.C. Zoning Office referenced as 80-94A item 31. The site complies with the subsequently enacted RC-2 Zone requirement of 35 ft. for sideline setbacks.

#### Zoning Request Summary

- A. Special Exception  
This Zoning Petition seeks the authority for farm machinery sales, storage and service as an agricultural support use, as authorized by Baltimore County Zoning Regulations 1A01-2C-24a

#### Parking Notes

Existing Residence required 2 spaces.  
Existing Garage = 720 sq. ft. @ 3.3 per 100 sq. ft. = 3 spaces required.  
Total Required Spaces: 5  
Total Provided Spaces: 5

Plat to Accompany Zoning Petition for Special Exception  
Property of: Paul J. & Marlene A. Leono  
2901 Stockton Road Phoenix, Md. 21131

Plat Reference: 40/081, Lot No. 2 of "Flora Property", tax acc. #1700010490  
Deed Reference: E.H.K. Jr. 5709/972, Tax map 35, grid 10, parcel 222  
10th Election Dist. 3rd Councilmatic Dist. Census Tract 4101

Drawn: Checked: May 11, 1992 Scale 1"=20'

PETITIONER'S  
EXHIBIT Nos



IN RE: PETITION FOR SPECIAL EXCEPTION  
S/S Stockton Road, 1400 ft. W  
of Old York Road  
2901 Stockton Road  
10th Election District  
3rd Councilmanic District  
Paul J. Leono, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE No. 92-507-X

\*\*\*\*\*  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 2901 Stockton Road in the Phoenix section of Baltimore County.

The Petitioners/property owners, Paul J. Leono and Marlene A. Leono seek a special exception pursuant to Section 1A01.2.C.24a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit farm machinery sales, storage and service as an agricultural support use at the subject locale. The proposed special exception and subject property are more particularly shown on Petitioners' Exhibit No. 5, the site plan to accompany the Petition.

The Petitioners appeared at the hearing and were represented by Nicholas J. Pistolas, Esquire. Several adjacent property owners also appeared and testified in support of the hearing. The Petitioners also presented Petitions and letters in support of their request. There were no Protestants present.

Testimony and evidence presented at the hearing was that the subject site is a residential lot of 1.033 acres in size and is zoned R.C.2. It is located along a residential street nestled within an agricultural area in Northern Baltimore County. Mr. and Mrs. Paul J. Leono reside at the subject property. The lot is improved by one and one-half story brick facade

dwelling which is attached to an existing garage and patio. To the rear of the lot is a 24 x 12 ft. framed shed.

Mr. Leono testified that he is employed on a full time basis by Baltimore County as a supervisor in the heavy equipment repair facility at the County's Maintenance Plant in Texas, Maryland. As a side vocation, he repairs engines and performs service work on small engines at the subject site. The types of machinery repaired would be lawn mowers, weed eaters, grass blowers and other agricultural tools. He testified that he performs this repair service work for many of his immediate neighbors along Stockton Road, as well as many of the farmers who are in the subject locale. The work is done within his garage and supports the agricultural uses nearby. Mr. Leono believes that his business serves the needs of the farmers and other landowners in providing a repair service facility in close proximity of the subject locale. Further, Mr. Leono noted that he would work no later than 9:30 P.M. and that all repairs would be performed within the existing garage. Lastly, he testified that the proposed use would not be detrimental to the health, safety and general welfare of the surrounding locale and that this use met each of the tests as enunciated in Section 502 of the B.C.Z.R.

Numerous neighbors and residents of the locale appeared in support of the Petition. These included Barry F. Ditsche, Daniel Baker, Leonard W. Flora and Hugh E. Gelston. In their view, Mr. Leono provides a valuable service to the community and his business is not detrimental to the surrounding locale.

Also noted are the Zoning Plans Advisory Committee comments offered in this case. The majority of the County agencies offered no specific comment, however, approval was recommended from the Office of Planning and

-2-

Zoning. This approval, however, was tempered by the suggested implementation of certain restrictions. I am persuaded that most of those restrictions should be imposed. However, a review of photographs discloses that the existing sign is, in fact, minimal in size. It is mounted on the Petitioner's mailbox stand and appears wholly consistent with the size of that stand and the property. Therefore, I will permit the Petitioner to retain that sign as long as it is not enlarged.

As to the Petition, it is clear that the B.C.Z.R. permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioners.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

-3-

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions, as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6<sup>th</sup> day of August, 1992 that the Petition for Special Exception to permit farm machinery sales, storage and service as an agricultural support use, pursuant to Section 1A01.2.C.24a of the B.C.Z.R., in accordance with Petitioners' Exhibit No. 5, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Outside storage shall be prohibited except for the dropping off and picking up of equipment and no such item shall remain outside for a period exceeding 24 hours.
3. There shall be no maintenance or repair service outside the existing garage. The hours of operation will be from 8:00 A.M. to 9:30 P.M. Repair work may be conducted seven (7) days per week.
4. The special exception is approved for the use of the property for so long as the Petitioners, Paul J. and Marlene A. Leono, own the property and that the business conducted therefrom is operated by Paul J. Leono. There shall be no employees, other than Mr. Leono.

-4-

5. The use of the property for the special exception use shall be restricted to the existing garage area, and framed shed in the rear of the property to serve as storage needs.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 5, 1992

Nicholas J. Pistolas, Esquire  
608 Baltimore Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
Case No. 92-507-X  
Paul J. Leono, et ux

Dear Mr. Pistolas:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
att.  
cc: Mr. and Mrs. Paul J. Leono



**Petition for Special Exception**  
92-507-X  
to the Zoning Commissioner of Baltimore County

for the property located at 2901 Stockton Road, Phoenix, MD 21131  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for farm machinery sales, storage and service as an agricultural support use as authorized by Baltimore County Zoning Regulations. Sec. 1A01.2C.24a.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor	Paul J. Leono
Type of Petition	Paul J. Leono
Signature	Marlene A. Leono
Address	2901 Stockton Road 472-2355
City	Phoenix, MD 21131
State	MD
Zipcode	21131
Attorney for Petitioner	Nicholas J. Pistolas
Type of Petition	Nicholas J. Pistolas
Address	608 Baltimore Avenue 825-3000
City	Towson, MD 21204
State	MD
Zipcode	21204
Estimated Length of Hearing	15 minutes
See following date	DATE 8/26/92
OTHER	
RECEIVED BY	DATE 8/26/92

540

92-507-X

540

Description of the Property of  
Paul J. and Marlene A. Leono  
2901 Stockton Road  
Phoenix, MD 21131

BEING known and designated as Lot. No. 2, as shown on the Plat entitled Flora Property, which said plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr., No. 40, Folio 81.

BEING a part of the property which by Deed dated October 29, 1965 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4547, Folio 205 was granted and conveyed by George E. Banks, III and Barbara Banks, his wife to Leonard W. Flora and Jean A. Flora, his wife.

-5-



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 16th Date of Posting: 7/1/92  
Posted for: Special Exception  
Petitioner: Paul J. & Marlene A. Leono  
Location of property: 82.5 Stockton Rd. (1901), 1400' W of Old York Rd.  
Location of Sign: Along Stockton Rd. 12 ft. from west way  
Remarks: on property of Baltimore  
Posted by: [Signature] Date of return: 7/24/92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 7/17, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1992.

THE JEFFERSONIAN,

S. Zake Orlan

Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 123683  
DATE: 6/24/92 ACCOUNT: R-001-4150  
COMPUTED DOWN AMOUNT: \$300.00  
RECEIVED FROM: PAUL J. LEONO  
FOR: SPECIAL EXCEPTION  
04A04R0157MCHRC  
CA 0002146R04-24-92 \$300.00  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

92-507  
7/24/92  
PUBLIC HEARING FEES QTY PRICE  
050 -POSTING SIGNS / ADVERTISING 1 X \$61.93  
LAST NAME OF OWNER: LEONO TOTAL: \$61.93  
04A04R0053MCHRC  
CA 000100A07-31-92 \$61.93  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Paul and Marlene Leono  
2901 Stockton Road  
Phoenix, Maryland 21131

RE: 92-507-X (Item 540)  
S/S Stockton Road, 1400' W of Old York Road  
2901 Stockton Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Paul J. and Marlene A. Leono  
HEARING: TUESDAY, AUGUST 4, 1992 at 11:00 a.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$ 61.93 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

cc: Nicholas J. Pistolas, Esq.

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JULY 6, 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-507-X (Item 540)  
S/S Stockton Road, 1400' W of Old York Road  
2901 Stockton Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Paul J. and Marlene A. Leono  
HEARING: TUESDAY, AUGUST 4, 1992 at 11:00 a.m. in Rm. 118, Courthouse

Special Exception for farm machinery sales, storage and service as an agricultural support use.

Laurence E. Schmidt  
Laurence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Paul and Marlene Leono  
Nicholas J. Pistolas, Esq.

NOTE: HEARINGS ARE RECORDED ACCESSIBLY, FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

July 20, 1992

(410) 887-3353

Nicholas J. Pistolas, Esquire  
608 Baltimore Avenue  
Towson, MD 21204

RE: Item No. 540, Case No. 92-507-X  
Petitioner: Paul J. Leono, et ux  
Petition for Special Exception

Dear Mr. Pistolas:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
26th day of June, 1992

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Paul J. Leono, et ux  
Petitioner's Attorney: Nicholas J. Pistolas

DPM/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature [Signature] Date 7/13/92

Project Name  
File Number  
Waiver Number  
Zoning Issue  
Meeting Date  
Stonegate at Patapasco (Azreal Property)  
90476  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Baltimore County - Southwestern Bell Mobile Systems  
DED STP 533 6-29-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester  
528 7-6-92 NC

DED DEPRM RP STP TE  
✓ Mark M. Dunn And Darlene Dunn 534 NC

DED DEPRM RP STP TE  
✓ Philip E. English And Deborah B. English 535 NC

DED DEPRM RP STP TE  
✓ Clark F. And Ann S. MacKenzie 536 NC

DED DEPRM RP STP TE  
✓ Charles J. And E. Mae Sinay 537 NC

DED DEPRM RP STP TE  
✓ Amoco Oil Company 538 NC

DED DEPRM RP STP TE  
✓ John And Judy Hasler 539 NC

DED DEPRM RP STP TE  
✓ Paul J. And Marlene A. Leono 540 NC

DED DEPRM RP STP TE  
✓ W. Claymore And Carol H. Slick 541 NC

DED DEPRM RP STP TE

DED DEPRM RP STP TE

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